

## **Exhibit C**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**BERNADINE T. GRIFFITH**

**Plaintiff,**

**V.**

**ONEBEACON INSURANCE COMPANY,  
ONEBEACON AMERICA INSURANCE  
COMPANY, MICHAEL A. SISTO, and  
KAREN ALLEN HOLMES**

**Defendants.**

**C.A. No. 03-CV-12573-EFH**

**MEMORANDUM OF LAW  
IN SUPPORT OF  
DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

Defendants OneBeacon Insurance Company, OneBeacon America Insurance Company (together, “OneBeacon”), Michael A. Sisto (“Sisto”), and Karen Allen Holmes (“Holmes”) (collectively, “Defendants”) hereby move this Court for summary judgment as to all claims in Plaintiff Bernadine T. Griffith’s (“Griffith” or Plaintiff) August 2004 Verified Amended Complaint.

As grounds for its Motion and as more fully set forth in Defendants' Statement of Undisputed Material Facts and Memorandum of Law submitted herewith, Defendants state that Plaintiff is a former OneBeacon employee who brings this action alleging discrimination and retaliation beginning in early 1996 and continuing until her termination in September 2000 on the basis of her age, race, and disability in violation of the Age Discrimination in Employment Act ("ADEA"), 42 U.S.C. § 621 *et seq.*, Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e *et seq.*, and the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq.* Plaintiff also alleges that OneBeacon breached a contract with her by failing to accommodate her disabilities in the manner she requested.

The undisputed facts reveal that Plaintiff's termination came after she twice violated a OneBeacon discipline warning for excessive absences and tardiness. Plaintiff can neither demonstrate a *prima facie* case of discrimination or retaliation on any basis, nor can she substantiate a claim that OneBeacon engaged in a pattern or practice of discrimination. Further, Plaintiff admits that she was an at-will employee thereby precluding her from arguing that a contractual relationship existed between her and OneBeacon. As such, judgment should enter in favor of Defendants on each and every cause of action.

WHEREFORE, Defendants respectfully request that their Motion for Summary Judgment be granted.

**REQUEST FOR HEARING**

Defendants request a hearing on this motion.

Respectfully submitted,

ONEBEACON INSURANCE CO., ONEBEACON  
AMERICA INSURANCE CO.,  
MICHAEL A. SISTO, and  
KAREN ALLEN HOLMES

By their attorneys

Dated: July 21, 2005

/s/ Leah M. Moore  
Keith B. Muntyan (BBO # 361380)  
Leah M. Moore (BBO # 658217)  
MORGAN, BROWN & JOY, LLP  
200 State Street  
Boston, MA 02109  
617-523-6666 (phone)

**CERTIFICATE OF SERVICE**

I, Leah M. Moore, hereby certify that on July 21, 2005, I caused a true and correct copy of the foregoing to be served via first class mail upon Kathleen J. Hill, Esq., Attorney for Plaintiff, Law Office of Kathleen J. Hill, 92 State Street, Suite 700, Boston, MA 02109.

/s/ Leah M. Moore  
Leah M. Moore